

REMARKS**I. Claim Status:**

Claims 1 and 3-10 are pending. Claim 2 remains canceled. Claims 1, 3 and 10 stand provisionally rejected. Claims 4-9 are objected to as being based on a provisionally rejected base claim.

II. Rejections based on Nonstatutory Double Patenting:

Claims 1, 3 and 10 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 and 6-11 of copending Application No. 10/541,129, now U.S. Patent No. 7,879,281. The pending application and the referenced patent are commonly owned. Submitted herewith in compliance with 37 C.F.R. § 1.321(d) is a corrected terminal disclaimer to overcome the obviousness-type double patenting rejection. Submission of the terminal disclaimer renders the rejection of claims 1, 3 and 10 moot. Reconsideration and removal of the rejections of claims 1, 3 and 10 on the ground of obviousness-type double patenting are respectfully requested.

III. Allowable Subject Matter:

Claims 4-9 stand objected to as being dependent upon a rejected base claim. Applicants appreciate the opportunity to rewrite the claims in independent form to secure their allowance. The submission of the corrected terminal disclaimer, however, renders the rejected base claim allowable and eliminates the need to rewrite claims 4-9. Accordingly, claims 4-9 have not been rewritten in independent form. In view of the submission of the duly executed terminal disclaimer, reconsideration and removal of the objections to claims 4-9 are respectfully


requested.

IV. **Conclusion:**

For all the foregoing reasons, the claims are considered to define patentably over the prior art. Reconsideration is requested and favorable action is solicited.

Respectfully Submitted,

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